

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

H. LEIGHTON LASKEY, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 06-018-JJF
 :
 PFC WHEATLEY, et al., :
 :
 Defendants. :

SUPPLEMENTAL SERVICE ORDER

WHEREAS, on July 13, 2006, the Court granted Plaintiff's
Motions to Amend the complaint (D.I. 24);

WHEREAS, Plaintiff timely filed two separate Amended
Complaints and they add as defendants the Millsboro Police
Department and the Town of Millsboro (D.I. 25, 26);

NOW THEREFORE, IT IS HEREBY ORDERED this 24 day of October,
2006 that:

1. The Clerk of the Court shall cause a copy of this Order
to be mailed to the Plaintiff.

2. Pursuant to Fed. R. Civ. P. 4(c)(2), 4(i) and (j),
Plaintiff shall complete and return to the Clerk of the Court an
**original "U.S. Marshal-285" form for newly added Defendants the
Millsboro Police Department and the Town of Millsboro, as well as
for the Chief Executive Officer for the City of Millsboro,
Delaware. Additionally, Plaintiff shall provide the Court with
one copy of the Complaint (D.I. 2) and the Amended Complaints
(D.I. 25, 26), for service upon the newly added Defendants and**

the Chief Executive Officer for the City of Millsboro. Plaintiff is notified that the United States Marshal will not serve the Complaint and Amended Complaints until all "U.S. Marshal 285" forms have been received by the Clerk of the Court. Failure to provide the "U.S. Marshal 285" forms for the newly added Defendants and the Chief Executive Officer for the City of Millsboro within 120 days from the date of this Order may result in the Complaint being dismissed or Defendants being dismissed pursuant to Federal Rule of Civil Procedure 4(m).

3. Upon receipt of the form(s) required by paragraph 2 above, the United States Marshal shall forthwith serve a copy of the Complaint (D.I. 2), the Amended Complaints (D.I. 25, 26), the Court's Order dated February 9, 2006 (D.I. 6), this Order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon the newly added Defendants identified in the 285 forms.

4. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a defendant, the United States Marshal shall personally serve said Defendant(s) pursuant to Fed. R. Civ. P. 4(c)(2) and said Defendant(s) shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

5. Pursuant to Fed. R. Civ. P. 4(d)(3), a defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

6. No communication, including pleadings, briefs, statement of position, etc., will be considered by the Court in this civil action unless the documents reflect proof of service upon the parties or their counsel. The Clerk of the Court is instructed not to accept any such document unless accompanied by proof of service.

7. **NOTE: ***** When an amended complaint is filed prior to service, the Court will **VACATE** all previous Service Orders entered, and service **will not take place**. An amended complaint filed prior to service shall be subject to re-screening pursuant to 28 U.S.C. §1915(e)(2) and § 1915A(a). *******

8. **NOTE: ***** Discovery motions and motions for appointment of counsel filed prior to service will be dismissed without

prejudice, with leave to refile following service. ***


UNITED STATES DISTRICT JUDGE